IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1185 (S/S) of 2005

Smt. Veena Kudiyal,
wife of Sri Dinesh Chandra,
presently posted as Head Mistress
at Basic Primary School, Dhalwala
(Block – Narendra Nagar),
District – Tehri Garhwal. **.....Petitioner.**

Versus.

1. State of Uttaranchal, through Secretary, Education Uttaranchal, Shashan, Dehradun.
2. Director, Education, Uttaranchal, Dehradun.
3. District Education Officer, Narendra Nagar, District – Tehri Garhwal.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri I.P. Gairola, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the present writ petition at its admission stage itself.

Petitioner, who is Primary School Teacher at Dhalwala, Block - Narendra Nagar, District – Tehri Garhwal, has challenged the transfer order dated 22.07.2005 passed by respondent no. 3 by which petitioner, who has already joined her duties at Primary

School, Dhalwala, Block – Narendra Nagar, District – Tehri Garhwal has been transferred to Jaikot, Block – Narendra Nagar, District – Tehri Garhwal .

The submission of the petitioner is that by order dated 28.06.2005 passed by District Education Officer, Pauri Garhwal petitioner was transferred from Primary School, Bandwara, Block – Jakhnidhar, District – Tehri Garhwal to Primary School, Dhalwala, Block – Narendra Nagar, District – Tehri Garhwal against vacant post. This order was passed on the basis of the guidelines issued by the Government on 13.05.2005 and on the request of petitioner in view of the fat that the petitioner is handicapped.

In pursuance of the aforesaid order, the petitioner joined her duties at Primary School, Dhalwala on 09.07.2005. In the meantime, the Government has changed its policy and decided not to give effect to the transfers order of those teachers who have crossed the age of 55 years and therefore, on 22.07.2005 respondent no. 3 has passed an impugned order by which Smt. Laxmi Semalti was repatriated to primary School, Dhalwala, Block – Narendra Nagar and petitioner was transferred to Primary School, Jaikot, Block – Narendra Nagar.

A handicapped cannot be treated as shuttle cock by the respondents by directing her first to join at Dhalwala and when she has joined her duties at Jaikot. It is further submitted by the learned counsel for the petitioner that Primary School, Jaikot is 3 Kms from motor head and petitioner is handicapped. In this regard,

the petitioner has already submitted a representation before respondent no. 3 and the same is still pending.

In view of the aforesaid circumstances, I direct the District Education Officer, Narendra Nagar, District – Tehri Garhwal – respondent no. 3 to decide the representation of the petitioner within a period of three weeks from the date of production of certified copy of this order and till the decision is taken on the petitioner's representation petitioner may be permitted to continue at Primary School, Block – Dhalwala, District – Pauri Garhwal.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 22, 2005
SKSharma